

House Committee on House and Governmental Affairs

Minutes of Meeting
2013 Regular Session
May 14, 2013

I. CALL TO ORDER

Representative Timothy G. "Tim" Burns, Chairman of the Committee on House and Governmental Affairs, called the meeting to order at 9:32 a.m. in Room 2, in the State Capitol in Baton Rouge, Louisiana. The secretary called the roll.

II. ROLL CALL

MEMBERS PRESENT:

Representative Taylor F. Barras
Representative John A. Berthelot
Representative Jared C. Brossett
Representative Michael E. Danahay, Vice Chair
Representative Randal L. Gaines
Representative Stephen E. Pugh
Representative John M. Schroder, Sr.
Representative Timothy G. "Tim" Burns, Chairman
Representative Walt Leger, III, Ex Officio

MEMBERS ABSENT:

Representative Girod Jackson III
Representative Gregory A. Miller

STAFF MEMBERS PRESENT:

Patricia Lowrey-Dufour, Legislative Analyst
Mark Mahaffey, Attorney
Shawn O'Brien, Secretary

ADDITIONAL ATTENDEES PRESENT:

Susan Broussard, Sergeant at Arms
Andrew Hoz, Clerk

III. DISCUSSION OF LEGISLATION

House Bill No. 377 by Representative Leger

Representative Leger presented House Bill No. 377, which establishes a registry for tax credits and provides relative to the period of time to report claims or a transfer to the registry, noting that it was referred to the committee for review of public records provisions.

Representative Burns offered a set of technical amendments to the bill. Representative Burns offered a motion to adopt the amendments. Without objection, the motion passed by a vote of 6 yeas and 0 nays. Representatives Barras, Berthelot, Danahay, Leger, Pugh, and Burns voted yea.

Mr. Josh Borill, OIX, 1200 Camellia Blvd., Lafayette, LA; Ms. Deborah Harkens, OIX, 601 Poydras St., New Orleans, LA, 504-596-2799; and Mr. Roger Wilson, OIX, (address illegible), New Orleans, LA 504-338-7420, submitted cards indicating their support of the bill but did not testify.

Mr. Jason Dakar, La. Department of Revenue, 617 North 3rd Street, Baton Rouge, LA, 225-219-4059, was present to give information if requested.

Mr. Carl Redman, The Advocate and La. Press Association, 7290 Bluebonnet Blvd., Baton Rouge, LA, 225-388-0276, said in opposition to the measure that the records should not be kept secret because of the complexities associated with tax credits.

Representative Leger made a motion to report the bill with amendments, to which there was no objection. There was no objection, and House Bill No. 377 was reported with amendments, 6-0, with Representatives Barras, Berthelot, Burns, Danahay, Leger, and Pugh voting yea.

Senate Bill No. 61 by Senator Morrish

Senate Bill No. 61, which provides exceptions to the Code of Governmental Ethics regarding certain contractual or other relationships by certain municipal elected officials, was authored by Senator Morrish.

There was no discussion on the bill.

Representative Burns offered a motion to voluntarily defer action on Senate Bill No. 61. Without objection, the motion passed by a vote of 6 yeas and 0 nays. Representatives Barras, Berthelot, Danahay, Leger, Pugh, and Burns voted yea.

Senate Bill No. 191 by Senator Morrell

Senator Morrell authored Senate Bill No. 191, which changes the dates for municipal and parochial elections, inaugurations, and qualifying periods, in certain parishes.

There was no discussion on the bill.

Representative Burns offered a motion to voluntarily defer action on Senate Bill No. 191 for purposes of rescheduling the bill. Without objection, the motion passed by a vote of 6 yeas and 0 nays. Representatives Barras, Berthelot, Danahay, Leger, Pugh, and Burns voted yea.

Senate Bill No. 212 by Senator Gary Smith

Senator Gary Smith presented Senate Bill No. 212, which requires certain non-elected boards and commissions to video or audio record, film, or broadcast live all proceedings in a public meeting.

Representative Berthelot offered a motion to report Senate Bill No. 212 favorably. Without objection, the motion passed by a vote of 6 yeas and 0 nays. Representatives Barras, Berthelot, Danahay, Leger, Pugh, and Burns voted yea.

House Bill No. 240 by Representative Havard

Representative Havard presented House Bill No. 240, which establishes the Privatization Review Act.

Mr. Steve Monaghan, Louisiana Federation of Teachers, 9623 Brookline Ave., Baton Rouge LA, 225-923-1037 and Mr. Ed Parker, AFSCME, 429 Government Street, Baton Rouge, LA, 225-927-2800 submitted cards stating support for the legislation but did not testify.

Ms. Joan E. Hunt, BESE, 1201 N. 3rd Street, Baton Rouge, LA, 225-342-3572, was present to provide if requested.

Mr. Steven Procoprio, Division of Administration (no address provided), 225-342-7000; submitted a card in opposition to the bill.

Representative Berthelot offered a motion to report House Bill No. 240 favorably. Without objection, the motion passed by a vote of 7 yeas and 0 nays. Representatives Berthelot, Danahay, Gaines, Pugh, Schroder, Burns, and Leger voted yea.

House Bill No. 531 by Representative Havard

Representative Havard presented House Bill No. 531, a constitutional amendment providing relative to increasing the financial burden of public school systems.

Mr. Scott Richard, Louisiana School Boards Association, 7912 Summa Ave., Baton Rouge, LA spoke in support of the bill relative to the definition of unfunded mandates including services, certain required stipends for teachers, and extended sick leave for support personnel, and others that he said should be provided, which are not included in the MFP but were funded in the past or have been added without funding.

Mr. Michael Faulk, Louisiana Association of School Superintendents, P. O. Box 78094, Baton Rouge LA, 225-229-6021, spoke in favor of the bill.

Mr. Donald Songy, Louisiana Association of School Superintendents, 37617 Seven Oaks Ave., Baton Rouge, LA 225-323-3921 and Ms. Jennifer Ansardi, Jefferson Parish School Board, P. O. Box 55815, Metairie, LA, submitted witness cards in support of House Bill No. 531.

Representative Burns offered a set of amendments on behalf of the author and offered a motion to adopt the amendments. Without objection, the motion passed by a vote of 6 yeas and 0 nays. Representatives Berthelot, Danahay, Gaines, Leger, Schroder, and Burns voted yea.

Ms. Erin Bendily, BESE and the La. State Board of Education (no card provided), present in opposition to the bill, stated that it is overly broad and damages BESE's authority.

Ms. Cheryl Lott (no address provided), spoke in opposition to funding provisions in the bill.

Mr. Russell Armstrong, Governor's Office (no address provided), testified in opposition to the bill.

Ms. Liz Mangham, AMI Kids, 543 Spanish Town Rd., Baton Rouge, LA, 225-381-0166, explained why, although the amendments address some concerns, she remains opposed to the bill.

Mr. Jason Hughes and Mr. Rayne Martin, Stand for Children Louisiana (no address provided), New Orleans, LA, Mr. Danny Loar, La. Conference of Catholic Bishops, 2431 S. Acadian Thruway, #250, Baton Rouge, LA, 225-344-7120; Ms. Brigitte Nieland, LABI, 3113 Valley Creek Dr., Baton Rouge, LA, 225-928-5388; Mr. Barry Erwin, CABL, P. O. Box 4308, Baton Rouge, LA, 225-344-2225; and Mr. Dale Hoffpauir, Louisiana Family Forum, 655 St. Ferdinand St., Baton Rouge, LA 225-344-8533, submitted witness cards stating their opposition to the legislation but did not testify.

Mr. Jake Causey, DHH, 628 4th Street, Baton Rouge, LA, 225-342-9500; Mr. Chris Ratcliff, La. Department of Environmental Quality, P. O. Box 4302, Baton Rouge, LA, 225-219-3985; and Ms. Cheryl Nolan, La. Department of Environmental Quality, North 5th Street, Baton Rouge, LA 225-219-3710 were present to provide information.

Representative Schroder offered a motion to involuntarily defer action on House Bill No. 531. Without objection, the motion passed by a vote of 7 yeas and 0 nays. Representatives Berthelot, Brossett, Danahay, Gaines, Pugh, Schroder, and Burns voted yea.

Senate Bill No. 148 by Senator LaFleur

Senator LaFleur presented Senate Bill No. 148, which provides an exception to the Code of Governmental Ethics for persons whose public service is limited to a contract providing professional services as a CPA.

Representative Burns offered a set of amendments changing "professional" to "attest", thereby limiting the exception to a contract to provide attest services as a certified public account rather than professional services.

Representative Burns offered a motion to adopt the amendments. Without objection, the motion passed by a vote of 6 yeas and 0 nays. Representatives Berthelot, Brossett, Danahay, Gaines, Pugh, and Burns voted yea.

Mr. Ron Gitz, Society of Louisiana CPA's, 2400 Veterans, Blvd., Kenner, LA; 504-464-1040; and Mr. Paul Gallagher, Louisiana Society of CPA's, 521 Laurel St., Baton Rouge, LA, 225-939-7491, were present in support of Senate Bill No. 148.

Mr. Wendell Lindsay, Common Cause, 9431 Common Street, Baton Rouge, LA, 225-769, 0446, who was present in opposition to the current version of the bill, stated that the amendment had allayed his concerns.

Ms. Kay Zimmerman, Common Cause Louisiana, 2603 Tall Timbers, Road, Baton Rouge, LA, 225-293-9276, submitted a witness card in opposition to the bill.

Mr. Mike Dupree, Louisiana Board of Ethics, P. O. Box 4368, Baton Rouge, LA, 225-219-5600, said the board has no official position on the bill but is concerned with the definition of "public employee".

Representative Berthelot offered a motion to report Senate Bill No. 148 with amendments. Without objection, the motion passed by a vote of 6 yeas and 0 nays. Representatives Berthelot, Brossett, Danahay, Gaines, Pugh, and Burns voted yea.

Senate Bill No. 101 by Senator Johns

Senator Johns presented Senate Bill No. 101, which provides with respect to life insurance reserves.

Mr. Tom Travis, Louisiana Department of Insurance, 1702 North Third St., Baton Rouge, LA, 225-342-2136, provided information to the committee with the author.

Representative Brossett offered a motion to report Senate Bill No. 101 favorably. Without objection, the motion passed by a vote of 6 yeas and 0 nays. Representatives Berthelot, Brossett, Danahay, Gaines, Pugh, and Burns voted yea.

Senate Bill No. 15 by Senator Perry

Senator Perry authored Senate Bill No. 15, which authorizes the registrars of voters to make changes of address, changes of party affiliation or nonaffiliation, and changes of name if received prior to the close of the registration records for the general election.

Mr. Joe R. Salter, representing the Secretary of State, P. O. Box 94125, Baton Rouge, LA, presented the bill on behalf of the author.

Mr. Brian Champagne, representing registrars of voters, P. O. Box 315, Hahnville, LA, informed the committee that the bill could have unintended consequences relative to the time frame for making

address changes between a primary and general election, which he noted can be shortened due to the availability of online voter registration and might be manipulated to help a candidate gain votes.

Ms. Angie Rogers, Commissioner of Elections, P. O. Box 94125, Baton Rouge, LA, 225-922-0900, informed the committee that the change is proposed to alleviate continued shortening of the time frame for registration to help both voters and registrars.

Ms. Merietta Norton, Secretary of State's office, P. O. Box 94125, Baton Rouge, LA, 225-922-0900, informed the members that Election Code provides for an elections compliance unit that would address perceived problems with candidates trying to manipulate elections by having voters change registration before a general election.

Representative Danahay offered a motion to report Senate Bill No. 15 favorably. Without objection, the motion passed by a vote of 6 yeas and 0 nays. Representatives Berthelot, Brossett, Danahay, Gaines, Pugh, and Burns voted yea.

Senate Bill No. 1 by Senator Claitor

Representative Burns presented Senate Bill No. 1 on behalf of Senator Claitor. It is a constitutional amendment to prohibit legislation relative to state tax rebates from being considered during a regular session held in an even-numbered year.

Representative Burns offered a set of amendments to add tax incentives and abatements to the list of measures prohibited from being introduced or considered in a regular session in even-numbered years and to the list of same which may be introduced or considered in odd-numbered years, to amend ballot language in conformity with other amendments, and to make technical changes, conforming the bill to House Bill No. 131.

Representative Burns offered a motion to adopt the amendments. Without objection, the motion passed by a vote of 7 yeas and 0 nays. Representatives Berthelot, Brossett, Danahay, Gaines, Pugh, Schroder, and Burns voted yea.

Representative Burns offered a motion to report Senate Bill No. 1 with amendments. Without objection, the motion passed by a vote of 7 yeas and 0 nays. Representatives Berthelot, Brossett, Danahay, Gaines, Pugh, Schroder, and Burns voted yea.

Senate Bill No. 129 by Senator John Smith

Representative Burns presented Senate Bill No. 129 on behalf of Senator John Smith. The bill exempts a nonprofit entity operating a hospital in a building a facility owned by Hospital Service District Number Two of Beauregard Parish from the Code of Governmental Ethics.

Mr. Gregory Frost, Beauregard Memorial Hospital, 301 Main Street, Baton Rouge, LA, 225-387-4000, appearing in support, explained the need for the bill.

Representative Burns offered a set of amendments to remove the proposed revisions of the ethics code definition of "public employee" and provide instead that provisions of the ethics code shall not apply to any nonprofit entity that operates a hospital in a facility owned by the hospital Service District Number Two of Beauregard Parish.

Representative Burns offered a motion to adopt the amendments. Without objection, the motion passed by a vote of 6 yeas and 0 nays. Representatives Berthelot, Brossett, Gaines, Pugh, Schroder, and Burns voted yea.

Mr. Mike Dupree, La. Board of Ethics, P. O. Box 4368, Baton Rouge, LA, 225-219-5600, informed the committee that the board takes no position on the bill.

Mr. Bud Courson and Mr. Jim Nickel, Breazeale Sachse and Wilson, 453-A Lafayette Street, Baton Rouge, LA, 225-346-6900; and Mr. Nathan Tudor, Beauregard Memorial Hospital, 600 S. Pine Street, Deridder, LA, 337-462-7106, submitted witness cards stating their support of the bill.

Representative Berthelot offered a motion to report Senate Bill No. 129 with amendments. Without objection, the motion passed by a vote of 7 yeas and 0 nays. Representatives Berthelot, Brossett, Danahay, Gaines, Pugh, Schroder, and Burns voted yea.

House Bill No. 498 by Representative Nancy Landry

House Bill No. 498 prohibits persons engaged in the private correctional facility business and related persons from giving campaign contributions in support of or opposition to certain officials and candidates.

There was no discussion on the bill.

At the request of the author, Representative Burns offered a motion to voluntarily defer action on House Bill No. 498. Without objection, the motion passed by a vote of 7 yeas and 0 nays. Representatives Berthelot, Brossett, Danahay, Gaines, Pugh, Schroder, and Burns voted yea.

House Bill No. 519 by Representative Henry

House Bill No. 519, establishes the Privatization Review Act.

There was no discussion on the bill.

Representative Burns offered a motion to voluntarily defer action on House Bill No. 519. Without objection, the motion passed by a vote of 7 yeas and 0 nays. Representatives Berthelot, Brossett, Danahay, Gaines, Pugh, Schroder, and Burns voted yea.

Senate Bill No. 20 by Senator Alain

Senate Bill No. 20 provides certain requirements for meetings at which consideration of or action upon proposals by political subdivisions to levy, increase, renew, or continue property or sales taxes, or authorize the calling of an election for submittal of such question to voters are scheduled.

There was discussion on the bill.

Representative Burns offered a motion to voluntarily defer action on Senate Bill No. 20. Without objection, the motion passed by a vote of 7 yeas and 0 nays. Representatives Berthelot, Brossett, Danahay, Gaines, Pugh, Schroder, and Burns voted yea.

IV. OTHER BUSINESS

Discussion of possible findings and recommendations pursuant to HSR No. 9 of the 2012 R.S.

Representative Brossett offered a motion to adopt the draft report on the work of the committee during the preceding interim pursuant to HSR No. 9 of the 2012 R.S. Without objection, the motion passed by a vote of 7 yeas and 0 nays. Representatives Berthelot, Brossett, Danahay, Gaines, Pugh, Schroder, and Burns voted yea.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

Representative Schroder offered a motion to adjourn. Without objection, the motion passed by a vote of 7 yeas and 0 nays. Representatives Berthelot, Brossett, Danahay, Gaines, Pugh, Schroder, and Burns voted yea.

The meeting was adjourned at 11:15 a.m.

Respectfully submitted,


Timothy G. "Tim" Burns, Chairman
House and Governmental Affairs

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Adopted 5/20/14